

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW G. SILVA,

Plaintiffs,

v.

LARRY MAYES, *et al.*,

Defendants.

No. C04-1484 JCC-MAT

ORDER

This matter comes before the Court under Local General Rule 8(c). Plaintiff Matthew G. Silva has filed a pro se “Motion to Recuse Magistrate Theiler” in the above-captioned matter. Dkt. # 211. The Honorable Mary Alice Theiler, United States Magistrate Judge, declined to recuse herself voluntarily and the matter was referred to the Chief Judge for review. Dkt. # 228. Plaintiff’s motion is therefore ripe for review by this Court.

Although this is plaintiff’s first attempt to remove Judge Theiler from this action, plaintiff has also sought to remove Judge Coughenour from this case and has filed two motions to recuse Judge Theiler in C04-1885. The two earlier motions directed at Judge Theiler were based in part on her rulings in this case. See C04-1885 at Dkt. # 73 and 136. In fact, this motion is identical to the one filed in C04-1885 at Dkt. # 136.

Having again reviewed plaintiff’s allegations of procedural irregularities and antagonism as well as the files in both this case and C04-1885, the Court finds that plaintiff has

ORDER

1 failed to identify any conduct from which one could infer bias or prejudice. Nor does the fact
2 that plaintiff disagrees with Judge Theiler's decisions in this case indicate "deep-seated . . .
3 antagonism" toward plaintiff. Alleging bias because a party does not like the judge's decisions
4 raises a significant risk that the litigant is using the recusal motion for strategic purposes. See
5 Ex Parte American Steel Barrel Co. and Seaman, 230 U.S. 35, 44 (1913). Plaintiff has not met
6 his burden of showing an appearance of bias. His request to remove Judge Theiler from this
7 matter is therefore DENIED.

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9 DATED this 2nd day of September, 2005.

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12 Robert S. Lasnik
13 United States District Judge
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